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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)  
HESI.112275

In re Application of: Yin L. Cheung, Michael J. Zeitlin and Mark Acosta

Application No.: 10/806,980

Filed: March 23, 2004

For: System and Method for Analyzing and Imaging Three-Dimensional Volume  
Data Sets Using A Three-Dimensional Sampling Probe

The owner, Magic Earth, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,769,570 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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